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PTQ/SB/81 (07-05)

Approved for use through 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a)	Docket Number (Optional) BP3029-H47-P15
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First Named Inventor: Huang Ming Application Number: 10/697,934 Filed: 10/31/2003 Title: Light-emitting pen with pullable cover	Art Unit: 3751 Examiner: Walczak, David J
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**Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

**NOTE: If information or assistance is needed in completing this form, please contact
Petitions Information at (571) 272-3282.**

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus any extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION.

NOTE: A grantable petition requires the following items:

- (1) Petition fee.
- (2) Reply and/or issue fee.
- (3) Terminal disclaimer with disclaimer fee—required for all utility and plant applications filed before June 8, 1995, and for all design applications; and
- (4) Adequate showing of the cause of unavoidable delay.

1. Petition fee

☒ Small entity — fee \$ 750 (37 CFR 1.17(l)). Applicant claims small entity status.
See 37 CFR 1.27.

☐ Other than small entity — fee \$ _____ (37 CFR 1.17(l)).

2. Reply and/or fee

A The reply and/or fee to the above-noted Office action in the form of _____ (Identify the type of reply):

☐ has been filed previously on _____

☐ is enclosed herewith.

08/11/2005 GWORDF1 00000023 10697934
01 FC:2453 750.00 DA

B The issue fee of \$ 985

☒ has been filed previously on 11/18/2004

☐ is enclosed herewith.

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This collection of information is required by 37 CFR 1.137(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 8 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Position, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

08/11/2005 GWORDOF1 00000023 503459 10697934

~~01 FC:2453 750.00 DA~~

PTO/SB/51 (07-05)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. An adequate showing of the cause of the delay, and that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(a) was unavoidable, is enclosed.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Huang Ming

Signature

08/08/2005

Date

Huang Ming

Typed or printed name

Registration Number, if applicable

P.O.Box 166-13, Taipei, Taiwan R.O.C

Address

886-2-2789-3700

Telephone Number

Address

- Enclosure ☒ Fee Payment : petition fee: \$750 from deposit account no.:503459
- ☐ Reply the holder of the deposit account: Sally Chang
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unavoidable delay
- ☐

Sally Chang

CERTIFICATE OF MAILING OR TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this correspondence is being:

☐ deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

☒ transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 272-8300.

08/08/2005

Date

Huang Ming

Signature

Sally Chang

Huang Ming Deposit account holder: Sally Chang

Typed or printed name of person signing certificate

PTO/SB/01 (07-05)
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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a)**

NOTE: The following showing of the cause of unavoidable delay must be signed by all applicants or by any other party who is presenting statements concerning the cause of delay.

Huang Ming

Signature

Huang Ming

Typed or printed name

08/08/2005

Date

Registration Number, if applicable

(In the space provided below, please explain in detail the reasons for the delay in filing a proper reply.)

The applicant Huang Ming has removed his receiving address to R.O.Box 166-13, Taipei, Taiwan R.O.C, the same can be seen in the USPTO as early as 01/07/2004 correspondence change recorded on app. no. 09/276,639. (as shown in encl. 1)

Because the receiving address was changing, so the "dated 10/20/2004" faxed allowance notice arrived on 11/04/2004, (as shown in encl. 2) the applicant soon paid issue fee and publication fee amount to US\$985 to the USPTO.

Until 21 July 2005, the applicant still wait for his patent letter, and the case is not approved to publish on the USPTO website, so the applicant starts to call the examiner Walczak, David J, his supervisor, Sholl Linda J of the technology center 3700, it was known that the allowance notice had been issued in March 2004. the applicant pay the petition fee US\$750 from the deposit account no. :503459. the holder Sally Chang. Sally Chang also has been assigned a customer number as 000054826 on 06/23/2005.

the related data about them are the same as Huang Ming's address change data. the applicant only want to show that his unintentional delayed payment on the issue fee. please revive the abandoned patent letter.

if not accepted by the USPTO, may the applicant re-apply the abandoned 10/697, 934 in C-I-P, and hopefully refund the issue fee and the publication fee?

Respectfully submitted

Huang Ming

(Please attach additional sheets if additional space is needed.)

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